REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are currently pending, Claims 1-14 having been amended by the present Amendment.

In the outstanding Office Action, Claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hwang et al. (U.S. Patent No. 6,414,943, hereinafter "Hwang") in view of Rydnell et al. U.S. Patent No. 6,519,469, hereinafter "Rydnell"); and Claim 13 was rejected under 35 U.S.C. §102(b) as being unpatentable over Hwang.

Applicant thanks Examiner Lebassi for the courtesy of an interview with Applicant's representative on March 15, 2011. During the interview, differences between proposed amended claims and the applied art were discussed. The Examiner indicated that the proposed claim amendments appear to distinguish over the applied art, however, no formal agreement was reached, and the Examiner indicated further consideration and/or search would be necessary. Claim amendments and arguments similar to those discussed during the interview are presented herewith for formal consideration.

In light of the rejection of Claim 1 under 35 U.S.C. §103(a), Claim 1 has been amended to clarify the claimed invention and thereby more clearly patentably distinguish over the cited prior art. To that end, amended Claim 1 recites, *inter alia*,

> an amount-of-data information determining unit that monitors the data which are stored in said transmit buffer on a communication-service-by-communication-service basis or on a transmit-channel-by-transmit-channel basis to determine at least one value indicating an amount-of-data stored on a communication-service-by-communication-service basis or transmit-channel-by-transmit-channel basis; and
>
> a transmitting unit that transmits the at least one value indicating the amount-of-data stored on the communication-service-by-communication-service basis or transmit-channel-

by-transmit-channel basis determined by said amount-of-data information determining unit to a base station.

The changes to the claims are supported by the originally filed specification, for example, on page 25, line 22 to page 27, line 15. Thus, no new matter has been added.

Applicant respectfully submits that Hwang fails to disclose or suggest these features of amended Claim 1, for the reasons next discussed.

Hwang describes a method and apparatus for controlling asymmetric dynamic radio bearers in a mobile packet data communication system. (See Abstract). In particular, Hwang describes the method of controlling the asymmetric dynamic radio bearers including the steps of: establishing a plurality of radio bearers having a predetermined data rate, examining an amount of data stored in a transmit buffer during transmission of mobile data packet data, and transmitting the mobile packet data with a number of radio bearers increased or decreased according to the amount of data. (See Hwang, column 2, lines 6-13).

The Office Action appears to assert that transmitting the mobile packet data with a number of radio bearers of Hwang corresponds to "transmitting the communication-service-by-communication-service or transmit-channel-by-transmit-channel amount-of-data information determined by said amount-of-data information determining means to a base station," as recited in previously presented Claim 1. (See Office Action, page 5). However, as discussed during the interview, Hwang merely describes that the MAC 1a of the MS 1 determines whether the amount of data in the transmit buffer 1b exceeds a threshold, increases or decreases the plurality of radio bearers accordingly, and transmits data according to the plurality of radio bearers.

Hwang does not describe determining at least one value indicating an amount of data stored in the transmit buffer 2a or 2b (i.e., as the asserted transmit buffer) and transmitting the

determined at least one value indicating the amount of data stored to the network 2 (i.e., as the asserted base station).

Therefore, Hwang does not explicitly disclose or suggest "an amount-of-data information determining unit that monitors the data which are stored in said transmit buffer on a communication-service-by-communication-service basis or on a transmit-channel-by-transmit-channel basis to determine at least one value indicating an amount-of-data stored on a communication-service-by-communication-service basis or transmit-channel-by-transmit-channel basis; and a transmitting unit that transmits the at least one value indicating the amount-of-data stored on the communication-service-by-communication-service basis or transmit-channel-by-transmit-channel basis determined by said amount-of-data information determining unit to a base station," as recited in Claim 1.

In view of these considerations, it is respectfully submitted that Hwang fails to disclose or suggest or make obvious the pending claims. Accordingly, withdrawal of the rejection based on Hwang is respectfully requested for at least these reasons.

Rydnell has been considered but fails to remedy the deficiencies of Hwang with regard to Claim 1. Therefore, Applicant submits that Claim 1 (and all associated dependent claims) patentably distinguishes over Hwang and Rydnell, either alone or in proper combination.

Additionally, although differing at least in scope, independent Claims 10-14 patentably distinguish over Hwang and Rydnell for at least the reasons discussed above with respect to Claim 1. Thus, Applicants respectively submit that independent Claims 10-14 patentably distinguish over Hwang and Rydnell, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present Amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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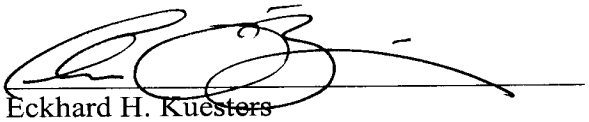

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